

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.46 OF 2002
IN
LETTERS PATENT APPEAL NO.31 OF 2000
WITH
LETTERS PATENT APPEAL NO.31 OF 2000

Reggie Dias .. Applicant.
Vs.
1.Gladys Dias & Ors. .. Respondents.

Mr.Rahul Kadam i/b Uday Warunjikar for the applicant.
Ms.Renuka M.Lele i/b Mrs.E.A.Gonsalves for respondent
no.1.

CORAM : B.H.MARLAPALLE & D.B.BHOSALE,JJ.
DATE : 21ST JULY, 2008.

PC:

. Heard.

2. This is an application for setting aside the order dated 24.11.2000 passed by the Additional Registrar thereby refusing registration of Civil Application Stamp No.15116 of 2000 which was filed for condonation of delay caused in filing Letters Patent Appeal No.31 of 2000. As per the office note the delay caused is for 405 days. The interlocutory orders passed in the year 1995 are under challenge in the Letters Patent Appeal.

3. The reasons furnished in support of the application are that the conditional order which is

dated 24.11.2000 passed by the Additional Registrar was not served on the applicant and in the month of January 2002, the applicant received a notice addressed to his earlier advocate who was representing the applicant. We are, therefore, not satisfied with the reasons for condonation of delay. Even otherwise we are satisfied that Letters Patent Appeal No.31 of 2000 is not maintainable in view of the provisions of Section 100-A as was incorporated by the Amendment of 1976 in the Code of Civil Procedure.

4. Hence the application is rejected and the appeal stands dismissed.

(D.B.BHOSALE, J.)

(B.H.MARLAPALLE, J.)